UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,591	01/23/2007	Reto Schneider	296535US2PCT	5612

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EXAMINER
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ART UNIT	PAPER NUMBER
2168	

NOTIFICATION DATE	DELIVERY MODE
04/01/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
	10/594,591	SCHNEIDER ET AL.
Office Action Summary	Examiner	Art Unit	
	DEBBIE M. LE	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 September 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>25-48</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>25-48</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>15 June 2008</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>9/28/06</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 9/28/06 have been

considered by the examiner.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which

papers have been placed of record in the file.

Claim Objections

Claims 26-32, 34-40, 42-48 are objected to because of the following informalities:

for example, in claim 26, line 1 "**A** risk" is suggested to change to --**The** risk--.

Appropriate correction is required.

Drawings

The drawing is objected to because they fail to show necessary textual labels of features

or symbols in Fig 1 as described in the specification. For example, placing a label, "server", with

elements 10 of Fig. 1, or "data sources", with element 3A, 3C, 3D, 3G, 3H, would give the

viewer necessary detail to fully understand this element at a glance. A *descriptive* textual label

for *each numbered element* in this figure would be needed to fully and better understand these

figures without substantial analysis of the detailed specification. Any structural detail that is of

sufficient importance to be described should be shown in the drawing. Optionally, applicant may

wish to include a table next to the present figure to fulfill this requirement. See 37 CFR 1.83. 37

CFR 1.84(n)(o) is recited below:

"(n) Symbols. Graphical drawing symbols may be used for conventional elements when

appropriate. The elements for which such symbols and labeled representations are used must be

adequately identified in the specification. Known devices should be illustrated by symbols which have a universally recognized conventional meaning and are generally accepted in the art. Other symbols which are not universally recognized may be used, subject to approval by the Office, if they are not likely to be confused with existing conventional symbols, and if they are readily identifiable.

(o) Legends. Suitable descriptive legends may be used, or may be required by the Examiner, where necessary for understanding of the drawing, subject to approval by the Office. They should contain as few words as possible."

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 25-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim recites "a system", however, there is no hardware component recited in claim in order to enable the function to be realized. Thus, at best, the claim is consider as software per se. Thus, software per se claim is not of the four categories of invention.

Claims 33-40 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 33-40 are directed to a computer program. Software per se is non-statutory. In order for such a software claim to be statutory, it must be claimed in combination with an appropriate storage medium and/or

hardware to establish a statutory category of invention and enable any functionality to

be realized.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 25-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilson

et al (US Patent 6,670,908 B2).

As per claim 25, Wilson discloses a computer-based risk detection system

comprising:

a server connected to a communication network (Fig. 1);

means for receiving on the server risk information from geographical distributed

computerized data sources located in first geographical areas via the communication

network, the risk information including an identification of a specific risk, a rating of the

specific risk, and information for associating the specific risk with one of the first

geographical areas (Fig. 2, #50, col. 6, lines 35-40 receive meteorological data from

other data sources);

means for storing received risk information, the identification of the specific risk

and the rating of the specific risk being assigned to one of the first geographical areas

(Fig. 2, # 52, col. 6, lines 50-53, the meteorological data is organized and stored);

means for storing correlation factors associated with geographical areas and/or

stored data about spreading patterns (Fig. 2, # 54, col. 6, lines 56-65, col. 7, lines 15-

20, col. 8, lines 12-13, 23-26, types of threat information are combined to create a

composite threat field that represent the primary meteorological threats effecting

geographic area of interest);

detection means for detecting a specific risk emerging in one of the first

geographical areas and spreading to one or more second geographical areas based on

stored risk information including the rating of the specific risk assigned to the one of the

first geographical areas and based on the stored correlation factors and/or data about

spreading patterns (col. 7, lines 15-20, col. 10, lines 5-9, detecting system such as

storm tracking system provides for the identification of cities, and other populated areas

likely to be effected by the threat (s); and

signaling means for providing to an interface output data depending on the

detected emerging risk and the second geographical areas (Fig. 8, col. 6, lines 64-67,

identified as an area of threat and are available for graphical display, for automatic alert

notification through various other mechanism, such as television broadcast).

As per claim 26, Wilson further teaches wherein the interface is part of the risk

detection system, the interface is configured to store the output data provided by the

signaling means, and the interface and the output data stored therein are accessible to

devices external to the risk detection system (col. 7, lines 1-5).

As per claim 27, Wilson further teaches stored area attributes, and wherein the

detection means is configured to detect the emerging specific risk based on stored area

attributes associated with the one of the first geographical areas and with the second

geographical areas (col. 8, lines 56-63).

As per claim 28, Wilson further teaches wherein the detection means includes an

expert system configured to detect the emerging specific risk based on stored rules (col.

8, lines 41-54).

As per claim 29, Wilson further teaches comprising a database, wherein the

means for storing received risk information is configured to store the received risk

information in the database, and the detection means is configured to detect the

emerging specific risk by periodically extracting risk information stored in the database

(col. 7, lines 15-20).

As per claim 30, Wilson further teaches wherein the detection means is configured to generate automatically a message to an administrator upon detection of an emerging specific risk (col. 9, lines 25-30).

As per claim 31, Wilson further teaches wherein the specific risks include risks associated with technical, ecological, geological, meteorological, epidemiological, cultural, political, and/or economical systems, and the risk detection system further comprises means to relate a detected emerging risk to its relative impact on a technical product, a technical system, and/or an insurance product (col. 1, lines 25-45).

As per claim 32, Wilson further teaches wherein the risk information includes information relating to a relative impact of an identified specific risk on a technical product, a technical system, and/or an insurance product, and the signaling means is configured to include in the output data provided to the interface state information or instructions (Fig. 8, col. 1, lines 25-45, col. 6, lines 65-67).

As per claim 33, Wilson discloses a computer program product comprising:

computer program code means for controlling one or more processors of a computer-based risk detection system (col. 6, lines 46-51) such that:

the server receives risk information from geographical distributed computerized data sources located in first geographical areas via a communication network connected to the server, the risk information including an identification of a specific risk, a rating of the specific risk, and information for associating the specific risk with one of the first geographical areas (Figs. 1-2, col. 6, lines 1-10, 35-40 receive meteorological data from other data sources),

the server stores the received risk information, the identification of the specific

risk and the rating of the specific risk being assigned to one of the first geographical

areas (Fig. 2, # 52, col. 6, lines 50-53, the meteorological data is organized and stored),

the server stores data about spreading patterns and/or correlation factors

associated with geographical areas (Fig. 2, # 54, col. 6, lines 56-65, col. 7, lines 15-20,

col. 8, lines 12-13, 23-26, types of threat information are combined to create a

composite threat field that represent the primary meteorological threats effecting

geographic area of interest),

the server detects a specific risk emerging in one of the first geographical areas

and spreading to one or more second geographical areas based on stored risk

information including the rating of the specific risk assigned to the one of the first

geographical areas and based on the stored correlation factors and/or data about

spreading patterns (col. 7, lines 15-20, col. 10, lines 5-9, detecting system such as

storm tracking system provides for the identification of cities, and other populated areas

likely to be effected by the threat (s)), and

the server provides to an interface output data depending on the detected

emerging risk and the second geographical areas (Fig. 8, col. 6, lines 64-67, identified

as an area of threat and are available for graphical display, for automatic alert

notification through various other mechanism, such as television broadcast).

Claims 34-40 have similar limitations as recited in claims 26-32; therefore, they

are rejected under the same subject matter.

As per claim 41, Wilson discloses a computer-based method for detecting risks, comprising:

transmitting from geographically distributed computerized data sources located in first geographical areas via a communication network risk information to a server, the risk information including an identification of a specific risk, a rating of the specific risk, and information for associating the specific risk with one of the first geographical areas; receiving on the server the risk information transmitted by the geographical distributed computerized data sources (Figs. 1-2, col. 6, lines 1-10, 35-40 receive meteorological data from other data sources);

storing by the server of received risk information, the identification of the specific risk and the rating of the specific risk being assigned to one of the first geographical areas (Fig. 2, # 52, col. 6, lines 50-53, the meteorological data is organized and stored);

storing in a memory data about spreading patterns and/or correlation factors associated with geographical areas (Fig. 2, # 54, col. 6, lines 56-65, col. 7, lines 15-20, col. 8, lines 12-13, 23-26, types of threat information are combined to create a composite threat field that represent the primary meteorological threats effecting geographic area of interest);

detecting by the server a specific risk emerging in one of the first geographical areas and spreading to one or more second geographical areas based on stored risk information including the rating of the specific risk assigned to the one of the first geographical areas and based on the stored correlation factors and/or data about spreading patterns (col. 7, lines 15-20, col. 10, lines 5-9, detecting system such as

storm tracking system provides for the identification of cities, and other populated areas

likely to be effected by the threat (s)); and

providing by the server to an interface output data depending on the detected

emerging risk and the second geographical areas (Fig. 8, col. 6, lines 64-67, identified

as an area of threat and are available for graphical display, for automatic alert

notification through various other mechanism, such as television broadcast).

Claims 42-48 have similar limitations as recited in claims 26-32; therefore, they

are rejected under the same subject matter.

Conclusion

The prior art made of record, listed on form PTO-892, and not relied upon, if any,

is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DEBBIE M. LE whose telephone number is (571)272-

4111. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DEBBIE M LE/
Primary Examiner, Art Unit 2168
March 23, 2009